AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include the following changes:

- FIG. 2 has been revised to include the number 200, identifying the method described in the specification at page 4, line 27

- FIG. 3 has been changed such that the graphical representation of data tree 310 shown in FIG. 3 is consistent with the graphical representation of data tree 310 shown in FIG. 5.

- Reference number 400 of FIG. 4 has been changed to reference number 310, indicating that the data tree of FIG. 4 is an enlarged representation of data tree 310 as shown in FIGS. 3 and 5.

- Reference numbers 410, 420, and 430 have been removed from FIG. 4.

REMARKS

Claims 1-14 are pending. In the Office Action mailed March 26, 2007, (hereinafter, "Office Action"), the Examiner indicated that the IDS filed March 8, 2004 fails to comply with 37 C.F.R. 1.98(a)(1), and indicated that the oath fails to comply with 37 C.F.R 1.67(a). In addition, the Examiner objected to the drawings; objected to the specification; objected to claims 2-8 and 9-13 as allegedly reciting limitations without proper antecedent basis; objected to claim 7 as a substantial duplicate of claim 6; rejected claims 12 and 13 under 35 U.S.C. § 112, second paragraph, as allegedly lacking sufficient antecedent basis; rejected claims 1-14 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter; rejected claims 1, 3-5, and 14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,481,710 to Keane et al. (hereinafter, "*Keane*"); rejected claims 9 and 11-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,185,591 to Baker et al. (hereinafter, "*Baker*"); rejected claim 2 under 35 U.S.C. § 103(a) as being obvious over *Keane*; rejected claims 6 and 7 under 35 U.S.C. § 103(a) as being obvious over *Keane* in view of U.S. Patent No. 6,167,455 to Friedman et al. (hereinafter, "*Friedman*"); rejected claim 8 under 35 U.S.C. § 103(a) as being obvious over *Keane* in view of U.S. Patent No. 5,524,205 to Lomet et al. (hereinafter, "*Lomet*"); and rejected claim 10 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,185,591 to Baker et al. (hereinafter, "*Baker*").

By this response, Applicants have amended claims 1-6 and 8-13, and canceled claim 7 without prejudice or disclaimer. No new matter has been added. Accordingly, claims 1-6 and 8-14 remain pending.

In light of the foregoing amendments and based on the reasoning presented below, Applicants respectfully traverse the objections to the specification, drawings, and claims. In addition, Applicants respectfully traverse the rejection of claims under 35 U.S.C. §§ 101, 102(b), 103(a), and 112, ¶ 2, and request allowance of pending claims 1-6 and 8-14.

I.   Information Disclosure Statement

The Examiner indicated that the "information disclosure statement filed March 8, 2004, fails to comply with 37 CFR 1.98(a)(1) . . . ." Office Action, p. 2. However, Applicants respectfully assert that the Information Disclosure Statement filed on March 8, 2004, (hereinafter, "*IDS*") was in compliance 37 CFR 1.98(a)(1), having proper reference to the application serial number and a heading entitled "INFORMATION DISCLOSURE STATEMENT." *IDS*, p. 1. In addition, the *IDS* contained a single piece of information for consideration by the Office, a written "description of Microsoft Internet Explorer Version 6.0." *Id.* Applicants clearly indicated that this information was presented in such a form "because applicants have no publications describing its pertinent aspects." *Id.*

While Applicants believe that sufficient space was provided in both the left and right margins for the Examiner's initials, Applicants nevertheless enclose as an attachment to this response Form PTO SB/08, which includes therein a citation to the *IDS* filed on March 8, 2004, and a copy of the IDS for the Examiner's reference. The attached Form PTO SB/08 includes a column to the left of the citation to the IDS for the Examiner's initials.

Accordingly, Applicants respectfully request that the Examiner consider the listed document and the described Internet Explorer functionality, and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document or functionality is material or constitutes "prior art." If the Examiner applies the document or functionality as prior art against any claim in the application and Applicants determine that it does not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding its appropriate status.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document or functionality, should either be applied against the claims of the present application.

II.   Oath/Declaration

In the Office Action, the Examiner indicated that "[t]he oath or declaration is defective" and that "[a] new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required." Office Action, p. 2. Specifically, the Examiner indicated that "[t]he oath or declaration is defective because: [i]t does not identify the citizenship of the first inventor." *Id.* In response, Applicants submit herewith a revised Declaration and Power of Attorney, including the citizenship of the first inventor.

III.   Drawings

The Examiner objected to the drawings "as failing to comply with 37 C.F.R. 1.84(p)(5) because they include [reference numbers 510, 520, and 530 of Figure 5 which are] not mentioned in the description" and "do not include [reference number 200 on page 4, line 27 which is] mentioned in the description." *Id.* at p. 3. In addition, the Examiner objected to the drawings because "Figure 4 is not described in the specification." *Id.*

In response, Applicants have amended FIG. 2 to include reference number 200, amended the specification at page 7, lines 5-29 to include discussion of reference numbers 510, 520, and 530, and amended the specification at page 6, line 12 to include a description of FIG. 4. No new matter has been added.

Accordingly, Applicants submit that the specification and drawings comply with 37 CFR 1.84(p)(5), and respectfully request that the Examiner withdraw the objection to the drawings.

IV.   Specification

The Examiner objected to the specification due to typographical errors. *Id.* at pp. 4-5. In response, Applicants have amended the specification at page 2, lines 9-10 to remove a duplicate sentence. Applicants have also amended the specification at page 7, line 5-29 to remove the reference numbers related to FIG. 4, replacing them with reference numbers related to FIG. 5, and changed reference number "540" at page 7, line 18 to "530."

In addition, Applicants have amended the specification at page 7, line 17 to replace the term "JavaScript" with the term "JAVASCRIPT™." While the Examiner

further requested that it "be accompanied by the generic terminology," (Office Action,

p. 5) Applicants respectfully assert that such a requirement has already been met at

page 7, line 16 of the originally filed specification which identifies JAVASCRIPT™ as a

"client-side scripting code."

Accordingly, Applicants respectfully request reconsideration and withdrawal of

the objection to the specification.

V.   Claim Objections

The Examiner objected to claim 2-8 and 10-13 as allegedly lacking "proper

explicit antecedent basis." *Id.* at p. 6. In response, Applicants have amended claims

2-6, 8, and 10-13 to recite "computer program product," as advised by the Examiner.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the

objection to claims 2-6, 8, and 10-13.

The Examiner objected to claim 7, indicating that it "is a duplicate of Claim 6." *Id.*

Applicants hereby cancel claim 7, thereby rendering the objection to claim 7 moot.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the

objection to claim 7.

With respect to claims 9-13, Applicants respectfully traverse the objection to

claims 9-13 and the allegation that there is not a "proper explicit antecedent basis" for

the recited "application data." *Id.* at p. 6. As recited in claims 9 and 13, Applicants

respectfully assert that "the application data" does have proper antecedent basis in

independent claim 9, from which claim 13 depends.

However, to advance prosecution, Applicants hereby amend claim 9, from which

claims 10-13 depend, to recite, *inter alia*, "generating a plurality of data structures that

store application data and associations between the application data and a plurality of application controls, wherein the plurality of application controls are rendered based on the application data." Claim 13, which depends from claim 9, recites "wherein the associations between the application data and the plurality of application controls are defined by metadata." Thus, claim 9 now contains a first reference to "application data" and subsequent references to "the application data." Similarly, claim 13, which depends from independent claim 9, contains a subsequent reference to "the application data." Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to claims 9-13.

VI.   Claim Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 12 and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Office Action, p. 6. Specifically, the Examiner states that "[c]laims 12 and 13 recite the limitation 'the application controls,'" and "[c]laim 13 recites the limitation 'the application.'" *Id.* at pp. 6-7. In response, Applicants have amended claim 12 to recite, "wherein the plurality of application controls include multiple types of controls," and amended claim 13 to recite "wherein the associations between the application data and the plurality of application controls are defined by metadata."

Accordingly, in light of the foregoing amendments, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 12 and 13 under 35 U.S.C. § 112, second paragraph.

VII.   Claim Rejection Under 35 U.S.C. § 101

With respect to claims 1-13, Applicants respectfully traverse the rejection of claims under 35 U.S.C. §101 as allegedly being "directed to non-statutory subject

matter." Office Action, p. 7. However, to advance prosecution, Applicants have

amended claims 1 and 9, from which claims 2-8 and 10-13 respectively depend, to

recite a "computer program product, tangibly embodied on a machine-readable storage

device . . . ." Support for the amendments can be found in the specification at, for

example page 8, line 9. In light of the foregoing amendments, Applicants respectfully

request withdrawal of the rejection of claims 1-13 under 35 U.S.C. § 101, and timely

allowance of these claims.

With respect to claim 14, the Examiner states that claim 14 is rejected under 35

U.S.C. § 101, as allegedly being "directed to non-statutory subject matter." Office

Action, p. 8. However, the language of the rejection appears to be related to a

combination of 35 U.S.C. §§ 101 and 112, sixth paragraph. In either case, Applicants

respectfully traverse the rejection of claim 14 under 35 U.S.C. §§ 101 and 112, sixth

paragraph. The Examiner is incorrect in suggesting that claim 14 is non-statutory

because it is (a) "directed to an apparatus of functional descriptive material *per se*" and

additionally (b) "constitute[s] computer programs representing computer listings *per se.*"

Office Action, p. 8.

With respect to the apparent rejection of claim 14 under 35 U.S.C. § 112, sixth

paragraph, the Examiner states that:

> Claim 14 contains 'means-plus-function' limitations and
> appears to be an apparatus. However, it is noted that the
> specification does not disclose any specific correspondence
> between structure or equivalents thereof. The recited means
> appear to lack the necessary physical components
> (hardware) to constitute a machine or manufacture under
> § 101. Therefore, these claim limitations can be reasonably
> interpreted as computer program modules--software *per se.*

The claim is directed to an apparatus of functional descriptive material per se, and hence non-statutory.

Id. (emphasis added).

According to the *M.P.E.P.*, "35 U.S.C. 112, sixth paragraph states that a claim limitation expressed in means-plus-function language 'shall be construed to cover the corresponding structure...described in the specification and equivalents thereof.'" *M.P.E.P.* § 2181(II). However, "[t]he disclosure of the structure (or material or acts) may be implicit or inherent in the specification if it would have been clear to those skilled in the art what structure (or material or acts) corresponds to the means (or step)-plus-function claim limitation." *Id.*

Applicants respectfully direct the Examiner's attention to the specification at, for example, Figure 2 and page 8, line 18 through page 9, line 14, which disclose both explicitly and inherently examples of the structure and acts that correspond to the recitations of claim 14. For example, in one embodiment, the specification states that "[m]ethod steps of the invention can be performed by one or more programmable processors executing a computer program to perform functions of the invention by operating on input data and generating output." Specification, p. 8, ll. 18-20. As another example, the specification states that "a computer will also include, or be operatively coupled to receive data from or transfer data to, or both, one or more mass storage devices . . . ." *Id.* at p. 8, ll. 28-29. And, as an additional example, the specification states that "the invention can be implemented on a computer having a display device . . . for displaying information to the user and a keyboard and a pointing device . . . by which the user can provide input to the computer." *Id.* at p. 9, ll. 7-10.

These citations are exemplary only; additional embodiments and examples may be found throughout the specification and figures.

In addition, the *M.P.E.P.* states that "[i]f one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language." *M.P.E.P.* § 2181(II) (citing *In re Donaldson Co.* (citation omitted)). "If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section 112." *Id.*

Applicants respectfully point out that the Examiner made no rejection under 35 U.S.C. § 112, second paragraph, indicating a failure to particularly point out and distinctly claim the invention. Therefore, Applicants respectfully submit that the Examiner apparently acknowledges that Applicants' disclosure is sufficient to support the recitations of claim 14.

Further, the Examiner's assertions that "[t]he recited means appear to lack the necessary physical components (hardware) to constitute a machine or manufacture under § 101" and that "[t]he claim is directed to an apparatus of functional descriptive material *per se*, and hence is non-statutory" (Office Action, p. 8) represent a misunderstanding of the requirements of 35 U.S.C. § 112, sixth paragraph. The *M.P.E.P.* states that "[a] claim limitation will be presumed to invoke 35 U.S.C. 112, sixth paragraph, if it meets the following 3-prong analysis: (A) the claim limitations must use the phrase 'means for' or 'step for;' (B) the 'means for' or 'step for' <u>must be modified by functional language</u>; and (C) the phrase 'means for' or 'step for' <u>must **not** be modified by sufficient structure</u>, material, or acts for achieving the specified function." *M.P.E.P.*

§ 2181 (emphasis added). Applicants respectfully assert that claim 14 meets all these requirements, and therefore Applicants hereby invoke 35 U.S.C. § 112, sixth paragraph, as outlined in *M.P.E.P.* § 2181.

In addition, the Examiner also appears to reject claim 14 under 35 U.S.C. § 101, stating that "[t]he claims constitute computer programs representing computer listings *per se.*" Office Action, p. 8. According to the *M.P.E.P.*, "[o]nly when the claimed invention <u>taken as a whole</u> is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material *per se* and hence nonstatutory." *M.P.E.P.* § 2106.01(I) (emphasis added). As discussed above, claim 14 is recited in a means-plus-function form, and Applicants respectfully direct the Examiner's attention to the specification at, for example, Figure 2 and page 8, line 18 through page 9, line 14, which disclose both explicitly and inherently examples of the structure and acts that correspond to the recitations of claim 14.

Therefore, Applicants respectfully assert that the rejection under 35 U.S.C. § 101 and the apparent rejection under 35 U.S.C. § 112, sixth paragraph, are unfounded and should be withdrawn.

VIII. Claim Rejection Under 35 U.S.C. § 102(b)

Applicants respectfully traverse the rejection of claims 1, 3-5, 9, and 11-14 under 35 U.S.C. § 102(b) as anticipated by the cited art. A proper anticipation rejection requires that "each and every element set forth in the claim be found, either expressly or inherently described, in a single prior art reference." *M.P.E.P.* § 2131. Applicants respectfully submit that the cited art fails to disclose all of the subject matter recited in each of the independent claims 1, 9, and 14.

A.   Claims 1, 3-5, and 14

Claims 1, 3-5, and 14 stand rejected under 35 U.S.C. § 102(b) as anticipated by *Keane*. *Keane* fails to disclose, *inter alia*, "displaying a user interface in a client program, the user interface having a plurality of controls, the plurality of controls including multiple types of controls, each control having a state," as recited in independent claim 1.

Keane discloses a "reusable isolated undo/redo service [that] provides application programs with an undo/redo function." *Keane*, Abstract. According to *Keane*, "[w]henever a registered application performs an action that can be undone, it forms a packet and gives the packet to [a] service . . . [and] the undo or redo processing is performed by the service." *Id.*

Quoting *Keane*, the Examiner appears to assert that "'[d]isplay screen 11 has displayed therein a window 13, which represents a drawing program, and a window 14, which represents a text editor application'" corresponds to Applicants' recitation of "the user interface having a plurality of controls," (Office Action, p. 9) a point which Applicants do not concede. However, the Examiner fails to identify where *Keane* discloses the further recitations of claim 1 including, for example, "the plurality of controls including multiple types of controls, each control having a state." Indeed, *Keane* fails to disclose these further recitations.

Instead, *Keane* discloses that "the undo/redo service establishes an undo stack and a redo stack for each registered application . . . ." *Keane*, col. 3, ll. 29-31. While *Keane* teaches that "the undo/redo service could be implemented using queues, lists, or other data structures," *Keane* states that "[t]he stack is the preferred data structure for

use in the undo/redo service." *Id.* at col. 3, ll. 31-35. Nowhere does *Keane* teach or suggest "displaying a user interface in a client program, the user interface having a plurality of controls, the plurality of controls including multiple types of controls, each control having a state," as recited in independent claim 1.

For at least the above-outlined reasons, *Keane* fails to disclose all of the subject matter recited in Applicants' independent claim 1. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and allowance of independent claim 1, as well as claims 3-5, which depend from independent claim 1.

Independent claim 14, although of differing scope, recites elements similar to that of independent claim 1, and is therefore allowable for at least the same reasons. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and requests allowance of claim 14.

B.   Claims 9 and 11-13

Claims 9 and 11-13 stand rejected under 35 U.S.C. § 102(b) as anticipated by *Baker.* However, *Baker* fails to disclose, *inter alia*, "generating a plurality of data structures that store application data and associations between the application data and a plurality of application controls, wherein the plurality of application controls are rendered based on the application data," as recited in independent claim 9.

The Examiner asserts that:

> Baker et al. disclose . . . generating at least one data
> structure that stores application data, and associations
> between the stored application data and one or more
> application controls that are rendered based on the stored
> application data (*see Column 7: 52-65, 'As part of the data*

> *structure 21 of the edit system, edit control structure 27*
> *represents the global data for controlling the edit system.*
> *Document control structure 28 contains information to*
> *control the operations on a document in the edit system, and*
> *as is illustrated pictorially in FIG. 2, there are a plurality of*
> *these controls created, one for each document.')*

Office Action, p. 12.

While Baker may disclose "edit control structure 27 represents the global data for controlling the edit system" and that "[d]ocument control structure 28 contains information to control the operations on a document in the edit system," *Baker* does not disclose "generating a plurality of data structures that store application data and associations between the application data and a plurality of application controls," as recited in Applicants' amended independent claim 9.

Instead, *Baker* discloses that "[t]ext processing component 23 handles the loading of documents into the Edit Buffer 29 of the edit system, all the text editing operations and the formatting of the text, and . . . [i]t records changes to the document in the Undo Stack 31 for subsequent undo and redo." *Baker*, col. 7, ll. 28-32. "Edit Buffer 29 and Undo Stack 31 temporarily store the documents and changes to the documents during processing." *Id.* at col. 7, ll. 32-34.

For at least the above-outlined reasons, *Baker* fails to disclose all of the subject matter recited in Applicants' independent claim 9. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and allowance of independent claim 9, as well as claims 11-13, which depend from independent claim 9.

IX. Claim Rejection Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 2, 6, 7, 8, and 10 under

35 U.S.C. § 103(a) as being obvious over the cited art. To establish a *prima facie* case

of obviousness, the prior art reference (or references when combined) must teach or

suggest all the claim limitations. *See M.P.E.P.* § 2142, 8th Ed., Rev. 5 (August 2006).

Moreover, "in formulating a rejection under 35 U.S.C. § 103(a) based upon a

combination of prior art elements, it remains necessary to identify the reason why a

person of ordinary skill in the art would have combined the prior art elements in the

manner claimed." USPTO Memorandum from Margaret A. Focarino, Deputy

Commissioner for Patent Operations, May 3, 2007, p. 2. A *prima facie* case of

obviousness has not been established because, among other things, none of the cited

art nor any obvious variant thereof, taken alone or in any reasonable combination,

teaches or suggests each and every element of Applicants' claims.

A. Claim 2

The Examiner rejects claim 2 under 35 U.S.C. § 103(a) as being unpatentable

over *Keane*. To support this position, the Examiner takes Official Notice. Office Action,

p. 15. As explained below, Applicants traverse the taking of Official Notice in the Office

Action and respectfully request the Examiner to provide authority to support the

Examiner's position.

A general allegation that something may be "well known" is not sufficient to

support a taking of Official Notice. "[T]he basis for [the examiner's] reasoning must be

set forth explicitly. The examiner must provide specific factual findings predicated on

sound technical and scientific reasoning to support his or her conclusion of common

knowledge." *See In re Soli* (citation omitted). "The applicant should be presented with the explicit basis on which the examiner regards the matter as subject to official notice and be allowed to challenge the assertion in the next reply after the Office action in which the common knowledge statement was made." *M.P.E.P.* § 2144.03(B).

The Office Action alleges that "it is old and well known within the computing art to include one or more of a radio button control type, a table control type, and a tray control type in a user interface" and "it would be been obvious...to include wherein the multiple types of controls include one or more of a radio button control type, a table control type, and a tray control type in a user interface." Office Action, p. 15. However, the Office Action fails to provide any reasoning as to why one would have found the claimed invention to have been obvious in light of the teachings of *Keane* other than general allegations such as, for example, "it would have been obvious because one of ordinary skill in the art would be motivated to enhance usability." *Id.* at p. 16. Thus, the Office Action merely provides conclusory statements about the cited reference, none of which are sufficient to constitute establishment of a *prima facie* case of obviousness.

In addition, that which is "well known in the art" does not, *inter alia*, cure the deficiencies set forth above and the failure of *Keane* to disclose "displaying a user interface in a client program, the user interface having a plurality of controls, the plurality of controls including multiple types of controls, each control having a state," as recited in claim 1, from which claim 2 depends.

For at least the above-outlined reasons, neither *Keane,* nor any obvious variant thereof, teaches or suggests all the elements of claim 1, from which claim 2 depends.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claim 2.

B.   Claims 6 and 7

Applicants respectfully traverse the rejection of claims 6 and 7 under 35 U.S.C. §103(a) as being obvious over *Keane* and *Friedman*. A *prima facie* case of obviousness has not been established because, among other things, the cited art fails to teach or suggest each and every element of Applicants' claims.

By virtue of their dependence from independent claim 1, claims 6 and 7 call for a combination including, for example, "displaying a user interface in a client program, the user interface having a plurality of controls, the plurality of controls including multiple types of controls, each control having a state." As discussed above, *Keane* fails to teach or suggest at least this element of claim 1.

The Examiner cited *Friedman* as teaching "wherein restoring the state of the control include restoring the state of another control that shares data with the control . . . ." *Id.* at p. 16. Even assuming the Examiner's characterization of *Friedman* is correct, an assertion to which Applicants do not assent, *Friedman* fails to cure the deficiencies of *Keane*, as discussed above. That is, *Friedman* also fails to teach or suggest at least "displaying a user interface in a client program, the user interface having a plurality of controls, the plurality of controls including multiple types of controls, each control having a state," as recited in independent claim 1.

For at least the above-outlined reason, neither *Keane,* nor *Friedman*, teach or suggest all the elements of claim 1, from which claims 6 and 7 depend. Therefore,

Applicants respectfully request reconsideration and withdrawal of the rejection under 35
U.S.C. § 103(a), and allowance of claims 6 and 7.

C.   Claim 8

Applicants respectfully traverse the rejection of claim 8 under 35 U.S.C. § 103(a)
as being obvious over *Keane* and *Lomet.* A *prima facie* case of obviousness has not
been established because, among other things, the cited art fails to teach or suggest
each and every element of Applicants' claims.

By virtue of its dependence from independent claim 1, claim 8 calls for a
combination including, for example, "displaying a user interface in a client program, the
user interface having a plurality of controls, the plurality of controls including multiple
types of controls, each control having a state." As discussed above, *Keane* fails to
teach or suggest at least this element of claim 1.

The Examiner cited *Lomet* as teaching "wherein restoring the state of the control
occurs prior to transmitting the state of the control to a server . . . ." *Id.* at p. 17. Even
assuming the Examiner's characterization of *Lomet* is correct, an assertion to which
Applicants do not assent, *Lomet* fails to cure the deficiencies of *Keane,* as discussed
above. That is, *Lomet* also fails to teach or suggest at least "displaying a user interface
in a client program, the user interface having a plurality of controls, the plurality of
controls including multiple types of controls, each control having a state," as recited in
independent claim 1.

For at least the above-outlined reason, neither *Keane,* nor *Lomet,* teach or
suggest all the elements of claim 1, from which claim 8 depends. Therefore, Applicants

respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C.

§ 103(a), and allowance of claim 8.

D. Claim 10

The Examiner rejects claim 10 under 35 U.S.C. § 103(a) as being unpatentable

over *Baker.* To support this position, the Examiner takes Official Notice. *See* Office

Action, p. 18. As explained below, Applicants traverse the taking of Official Notice in the

Office Action and respectfully request the Examiner to provide authority to support the

Examiner's position.

A general allegation that something may be "well known" is not sufficient to

support a taking of Official Notice. "The examiner must provide specific factual findings

predicated on sound technical and scientific reasoning to support his or her conclusion

of common knowledge." See *In re Soli* (citation omitted). "The applicant should be

presented with the explicit basis on which the examiner regards the matter as subject to

official notice and be allowed to challenge the assertion in the next reply after the Office

action in which the common knowledge statement was made." *M.P.E.P.* § 2144.03(B).

The Office Action alleges that "a tree is a widely used data structure that

emulates tree structure with a set of linked nodes" and "it would be been obvious...to

include wherein the at least one data structure is at least one data tree." Office Action,

p. 18. However, the Office Action fails to provide any reasoning as to why one would

have found the claimed invention to have been obvious in light of the teachings of *Baker*

other than general allegations such as, for example, "it would have been obvious . . .

because one of ordinary skill in the art would be motivated to make information easier to

manipulate and search." *Id.* Thus, the Office Action merely provides conclusory

statements about the cited reference, none of which are sufficient to constitute establishment of a *prima facie* case of obviousness.

In addition, that which is "well known in the art" does not, *inter alia*, cure the deficiencies set forth above and the failure of *Baker* to disclose "generating a plurality of data structures that store application data and associations between the application data and a plurality of application controls, wherein the plurality of application controls are rendered based on the application data," as recited in claim 9, from which claim 10 depends.

For at least the above-outlined reasons, neither *Baker,* nor any obvious variant thereof, teaches or suggests all the elements of claim 10, which depends from independent claim 9. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claim 10.

X.   Conclusion

The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.
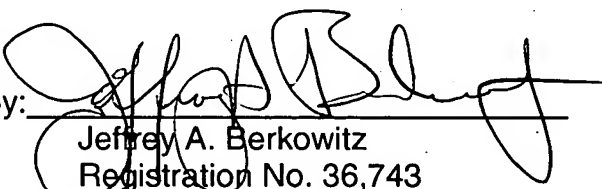
In view of the foregoing amendments and remarks, Applicants respectfully

request reconsideration and reexamination of this application and the timely allowance

of the pending claims.

Please grant any extensions of time required to enter this response and charge

any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 25, 2007   By:_____

Jeffrey A. Berkowitz
Registration No. 36,743

Attachments: **Revised Declaration and Power of Attorney**
Replacement Sheets 2 and 3, replacing FIGS. 2, 3, 4, and 5
Annotated Sheets showing changes
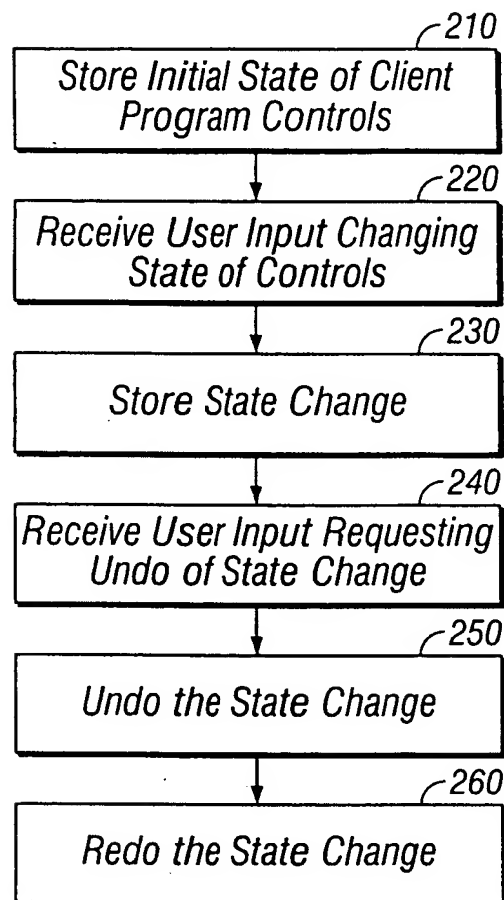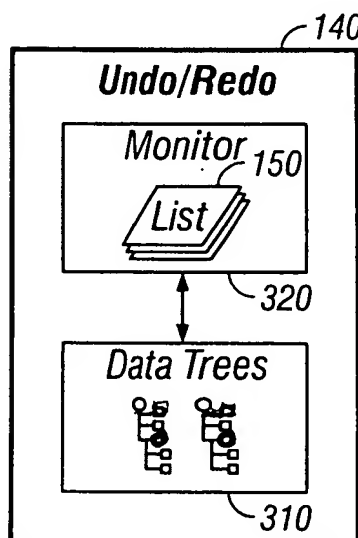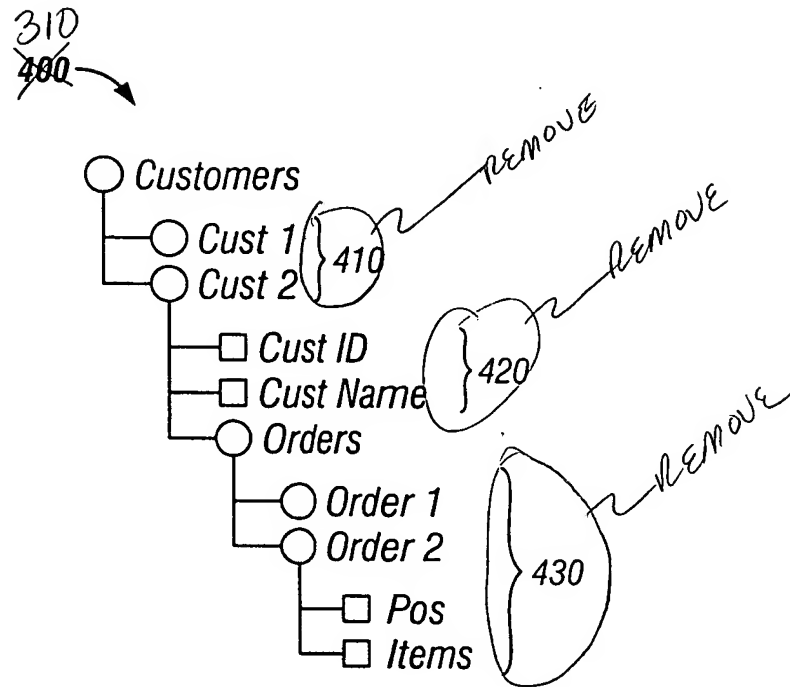**Form PTO/SB/08 and copy of IDS filed March 4, 2004**

~200

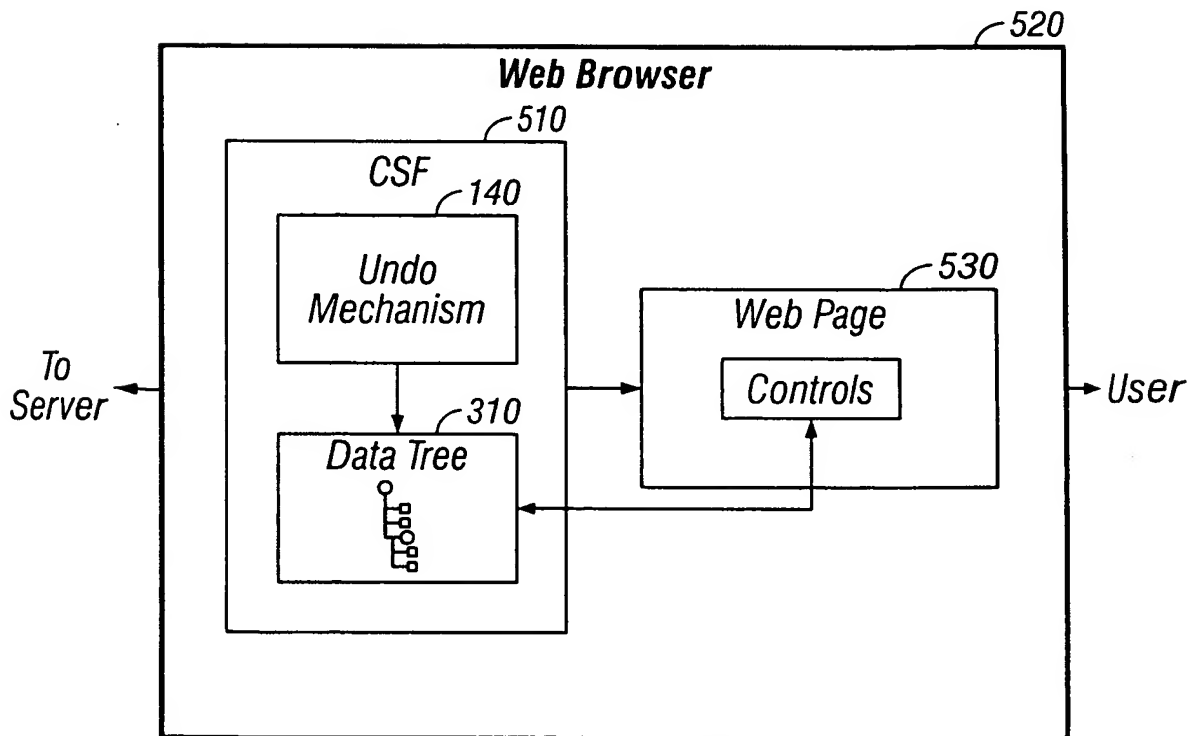┌─────────────────────────────┐ ⌐210
│ Store Initial State of Client │
│   Program Controls   │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐ ⌐220
│ Receive User Input Changing   │
│   State of Controls   │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐ ⌐230
│   Store State Change   │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐ ⌐240
│ Receive User Input Requesting │
│   Undo of State Change   │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐ ⌐250
│   Undo the State Change   │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐ ⌐260
│   Redo the State Change   │
└─────────────────────────────┘

FIG. 2

FIG. 3

FIG. 4

FIG. 5